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bring it to perfection. And the feeling of inconveniences must correct the mistakes which they inevitably fall into in their first trials and experiments."

And Mr. James Harvey Robinson, writing in 1890, expressed the thought thus:

"In its chief features, then, we find our Constitution to be a skillful synthesis of elements carefully selected from those entering into the composition of the then existing State governments. The Convention was led astray by no theories of what *might* be good, but clung closely to what experience had demonstrated to be good."

It may be added that the quotation included by Mr. Robinson was from Mr. James Russell Lowell's address before the New York Reform Club, April 13, 1888.

One familiar with our written Constitution must agree that Mr. Gladstone was indulging in a sort of complimentary persiflage, when he courteously remarked that "the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man," for, as we are now quite well aware, it was not "struck off at a given time." It represents, rather, the collective experiences of the preceding State constitutions, of the colonial charters which preceded them, of the charters of the still earlier trading companies themselves; indeed of a period of American political training much longer in point of time than that which has followed 1787.

What is also important in any consideration of the rise of constitutions is that constitutions cannot be imposed from above; they must evolve from within and from below. They were purely local causes, for example, which gave rise to the principle of representation in the Colony of Massachusetts. In 1631 it was ordered "that all swine found in any man's corn shall be forfeited to the public, and that the party damnified shall be satisfied." Two years later it was ordered "that it shall be lawful for any man to kill any swine that comes into his corn." These were simple, homely situations. But because of them twenty-four persons from the various towns in Massachusetts appeared, in 1634, before the General Court, and in their representative capacity demanded recognition. This led, significantly as we now see, to an arrangement whereby representatives were chosen by the freemen of the towns, with "the full power and voices of the said freemen." That was not only the beginning of representative government in Massachusetts; it represents a vital aspect of the development of our constitutional law. This is so because it was such simple needs, practical problems and methods of solution, that gave bent to those slow but significant steps on the part of the colonists up the long road to 1787. The background of our Federal Government spreads over a century prior to 1776. More than twenty "plans" of

Union had been submitted during that time. Our Federal Constitution is thus more than an imitation, more than a product of ingenuity, more than the result of wars and of a revolution; in the language of Sidney George Fisher, it was the outgrowth of "natural conditions, many minds, many ages, and great searchings of heart."

It was neither custom nor historical precedent, but practical needs, expressing themselves in statutory law, that ultimately gave a written constitution to each of the colonies, and thence to the thirteen States. And out of similar needs and in a similar manner, growing indeed directly out of the State constitutions, and not the fiat of any man or body of men, was evolved, not "struck off," that noble instrument of 1787, upon which rests that great body of written laws which has given rise to constructive political liberty in America.

Since, thus, to be successful a constitution must represent the outgrowth of time and need and law, the inevitable fate of fiat constitutions has been defeat. The Covenant of the League of Nations, with its failure to distinguish between legislative, judicial, and executive functions; with its utter lack of reference to existing international situations and organs; with its creation out of pure theory, without any adequate reference to the local needs of peoples, is, we fear, such a fiat constitution. Its radical modification, if not its utter rejection by the United States, therefore, has from the beginning, from our point of view, been inevitable.

IS THERE A WAY OUT?

THE international situation facing the United States Senate will be settled by the Senate, for it is the duty of the Senate to do just that. But it will not be settled by the Senate until it is settled right. It will not be settled right if the decisions be made out of a desire simply to teach a lesson to the President of the United States. Neither can the matter be settled by false accusations against the Senate. The simple fact is that the Senate is faced with a concrete situation and a constitutional duty. The concrete situation is the Treaty of Peace; its constitutional duty is to give its "advice" and to give or withhold its "consent" to the ratification of that treaty. There can be no doubt that the Senate is as interested in performing its duty in the premises as are the rest of us.

Even the most radical opponents of the League of Nations would grant that the United States might well restrain its liberty of action for the benefit not of this so-called "League," but of the Society of Nations which already exists, and that in conformity with the demands of intelligent international public opinion. Mr. Knox,

when Secretary of State, delivered an address in December, 1909, in which he expressed precisely that view. The members of the Senate believe in international co-operation, and the good-will, intelligence, and conscience of the American people compel them also to believe in it. But the United States Senate, and we must grant that the members of the Senate are better acquainted with the provisions of the Treaty of Peace than any other one body in America, do not believe in the method of international co-operation provided for in Mr. Wilson's Covenant of the League of Nations. That has been demonstrated by the votes already taken upon this matter in the Senate. We are of the opinion that the Senate is also opposed to the Treaty of Peace, irrespective of the Covenant, but of that we have only hearsay evidence. The Senate has once refused its "consent" to the ratification of the treaty. If the President had been notified of this fact in the usual official manner provided by custom in such cases, the whole matter would now be in the hands of the President. Our view is that the Senate would have done well had it gone about the matter in that way. But now the whole thing is again before the Senate for open discussion, and that without cloture. What will the outcome be?

We believe that in the present stage of international development that the United States should be its own judge as to whether or not it shall have performed its obligations under the terms of the Covenant, and, assuming that we have become a member, that it should itself decide whether or not it might withdraw from the League. We believe that the United States Congress, representing the people of the United States, should decide whether or not this country should send its boys to fight across seas. We believe that the United States Congress, representing the people of the United States, should decide whether or not this nation should take over the control of Turkey, Armenia, or other peoples whatsoever. We believe that the United States Congress, representing the people of the United States, should decide whether or not a given question before the Council or the Assembly of the League is or is not of a domestic character. We believe that the United States Congress, representing the people of the United States, should decide whether or not this Government should submit the Monroe Doctrine, in a given case, to the League of Nations for judgment. We believe that the United States Congress, representing the people of the United States, should provide by law for the appointment of any representative or representatives of the United States in the Council or Assembly of the League of Nations. We believe that the United States

Congress, representing the people of the United States, should decide how far the Reparation Commissions shall regulate or interfere with the trade between this country and Germany, or other nation. We believe that the United States Congress, representing the people of the United States, should, in the light of the present international situation, decide whether or not the United States shall increase or decrease its armaments. We believe that the United States Congress, representing the people of the United States, should decide whether or not other States, even though charged with breaking the Covenant, shall continue their commercial relations with citizens of this country. We believe that the United States Congress, representing the people of the United States, should determine under Sections 3 and 4, Part X, of the treaty, whether any acts in contravention of the rights of American citizens are legal or illegal. We believe that the United States Congress, representing the people of the United States, should make due provisions for representation in any labor organization to be set up under the League. We believe that the United States should not give its assent to the provisions of the treaty relating to Shantung. We believe in the principle of equal representation in the Council or Assembly. We believe these things. We believe that the American people believe these things. We believe the United States Senate owes it to the people of the United States, and to the future success of the League of Nations, if there is to be such, certainly of the Society of Nations already an entity, that these matters be made perfectly plain, that they should be stated in the form of clear-cut reservations, definitely, unequivocally. We believe that if the treaty can be ratified with these reservations that it might well be so ratified, both by the Senate and the President, and proclaimed accordingly.

Mr. Bryan, a Vice-President of this Society, has indicated a way out of the present situation. Addressing himself to the principle, "Let the Majority Rule," he has said:

"We, the undersigned members of the United States Senate, believing in the right of the majority to rule and being unwilling to make it more difficult to conclude peace than to declare war, hereby agree to use our votes (by casting them or withholding them) as to enable a majority of the elected members (49 of the 96) to record a two-thirds vote in favor of the ratification of the treaty with Germany with such reservations as such majority, voting for ratification, agree upon, provided that each of the undersigned shall be free to vote his convictions on each reservation and at liberty to urge any desired change in the League of Nations after our nation is a member thereof. Such a course as is above outlined would hasten ratification and locate the responsibility for delay."

The Treaty of Peace proposed out of Paris, because of its attempt to close the war and to establish the peace of the world by means of one and the same instrument, has befogged both issues and produced distraction everywhere. Many believe that both the treaty and the Covenant as drawn and approved in Paris, are impossible of fulfillment. We are inclined to accept that view. Yet it ought to be possible for the Senate to extricate itself and the nation from the present intolerable situation without endangering any fundamental feature of American political principles. We can see but two ways to accomplish this: either by rejecting the treaty outright; or by ratifying it with reservations substantially as we have tried to indicate.

THE PASSING OF UNIVERSAL MILITARY TRAINING

NOTWITHSTANDING the President of the United States, the Secretary of War, the General Staff of the Army, and a majority of the members of the military committees of both houses of Congress, all of whom have committed themselves to approval of immediate or ultimate action establishing universal compulsory military training of the youth of the country, we do not believe that it will come to pass. It is quite true, as the President pointed out in his ineffective letter to the Democratic party's caucus, that "the present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds." Quite so. But the decision, not arrived at lightly, is being made on grounds other than military.

Reports of trained newspaper investigators, sent into the heart of the country, whether they represent journals favoring or disapproving a large army and universal military training, agree in the verdict that the "plain people" of the country, whether in New England, the Mid-West, or in the South, do not believe in war a bit more than they did prior to 1914; that they are disillusioned as to the methods of war and post-war diplomacy; that the men who went across in the A. E. F. can not be relied upon to vote for a militarist policy, and that the House of Representatives, as at present constituted or as it may be altered by the next elections, will not be induced to vote for universal military training. Nor, so these reporters say, need any would-be President of the United States think that he will get the nomination because of his popularity with the returned soldiers or their kinsfolk on the basis of his military record.

These reports from the field are supported by the actions of Congress during the past month. Bills have been introduced calling for universal compulsory military training, with estimates as to the annual cost ranging from \$700,000,000 to \$1,000,000,000. They never will be passed by this Congress, partly because of ethical dissent and partly because of fiscal prudence. The taxpayer will not "stand" for any such raid on the Treasury now, and neither party dares to act as if he would. Hence the vote of the Democratic caucus postponing anything looking like approval of the plan, and this in spite of the President's plea for a non-committal course.

ARE THE DYNASTIES DEAD?

WE in America are consumed with our own economic, industrial, financial, and class-conscious problems, so much so that we have not yet realized the "wrecks of matter and the crush of worlds" which seem to have taken place. Romanoff, Hohenzollern, and Hapsburg dynasties deemed but yesterday to be impregnable and within their spheres well nigh all-powerful, are for the time unhorsed, side-tracked, impotent. Are they dead?

As for the Romanoffs, they seem to be dead. The evidence is a bit obscure, but photographs are shown to us now indicating with some circumstantial detail that the Czar and his family are no more. In any event, we can not obtain the slightest evidence that there is a ghost of a chance of the return of any portion of this family to the seat of authority in Russia. There are many parties contending with each other in that mighty land, but none seems to be interested in the reincarnation of the Romanoffs.

There seems to be some life left in the Hohenzollerns. The Kaiser's name confronts us in the headlines almost daily; likewise that of the Crown Prince; but more, the friends of the Hohenzollerns in Germany are plotting. Among the opponents of the present republic, with its plebeian president, its socialist-clerical cabinet, there are not a few monarchists. Just how much life is left in the Hohenzollern organism is, however, difficult to ascertain. Our belief is that unless we insist upon breathing the breath of life into this far-from-beloved departed by some fatuous attempt at revenge, by some false move that may bedeck the former Kaiser with a martyr's crown, that this particular dynasty is dead beyond recall.

We are not sure about the Hapsburgs. If there be few of them in Austria, there are evidences that Hapsburg plotters are quite able to sit up and take notice in Hungary. So important are these gentlemen in that